

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO REVISE
PRE-TRIAL MOTIONS, RULE 72 FED. R. CIV. P.**

Defendants, United Liquors Ltd., Peter Tsickritzis and Kevin Kingston ("Defendants"), hereby oppose Plaintiff's Motion To Revise Pre-Trial Motions, Rule 72 Fed. R. Civ. P. served on May 4, 2007. In that motion, Plaintiff contends "there are myriad of genuine reasons of material fact requiring trial and the Defendants are not entitled to summary judgment." Defendants now oppose that motion as there is as yet no ruling on summary judgment and, thus, the motion is premature.

On April 26, 2007, after the hearing on Defendants' Motion For Summary Judgment, Magistrate Judge Dein took the motion under advisement. To date, there have been no orders, reports, or recommendations issued on Defendants' motion. Plaintiff's motion is either an unauthorized attempt to file yet another opposition to Defendants' Motion For Summary Judgment or premature objections to a recommendation by Magistrate Judge Dein on Defendants' Motion For Summary Judgment. Either way, Plaintiff's motion is improper and should be denied.

CONCLUSION

Based on the foregoing, the Court should deny Plaintiff's Motion To Revise Pre-Trial Motions, Rule 72 Fed. R. Civ. P.

Respectfully submitted,

UNITED LIQUORS LIMITED, PETER
TSICKRITZIS and KEVIN KINGSTON,
By their attorneys,

/s/ Heather L. Stepler

Joan Ackerstein (BBO# 348220)

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Dated: May 10, 2007

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2007, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Heather L. Stepler

Jackson Lewis LLP